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In re application of: **Apple et al.**

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Examiner: Lillis, Eileen Dunn

Attorney Docket No.: 99-049-MIS

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By: Amy Miller
Amy Miller

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ENCLOSED HERewith:

- No fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to Storage Technology Corporation Deposit Account No. 19-4545. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to Storage Technology Corporation Deposit Account No. 19-4545.

Duke W. Yee

Registration No. 34,285

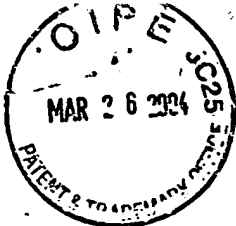
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ALC
04/08/04
#16

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Apple et al.

Serial No.: 09/451,574

Filed: November 30, 1999

For: Dual Concentric Robotic High
Performance Automated Tape
Cartridge System

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Group Art Unit: 3652

Examiner: Lillis, Eileen Dunn

Attorney Docket No.: 99-049-MIS

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Commissioner for Patents
P.O. Box 1450
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ATTENTION: Board of Patent Appeals
and Interferences

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By:

Amy Miller
Amy Miller

SUPPLEMENTAL APPELLANT'S BRIEF

This supplemental brief is in response to the Appeal Board remanding the application to the Examiner on 10/15/2003 and the transmission to Applicants of a document, mailed 02/10/2004, in which the Examiner made no change to the rejection.

No fees are believed due; however authorization for any necessary fees and any required petition for extension of time for filing this brief are dealt with in the accompanying TRANSMITTAL OF SUPPLEMENTAL APPEAL BRIEF.

This supplemental brief is transmitted in triplicate. (37 C.F.R. 1.192(a))

REMARKS

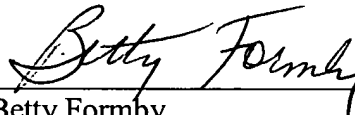
Applicants note the following facts in this application:

- An appeal was made in this application on 06/21/2002, with an Appeal Brief filed on 06/21/2002. One of the rejections being appealed is Claim 22, which is rejected under U.S.C 103(a) as obvious over Japanese Patent Document 6-040505. The document cited was in Japanese, but contained an English abstract.
- The Appeal Board remanded the instant appeal to the Examiner on 10/15/2003, with the statement,

“On remand, the examiner is directed to correct this situation [*i.e.*, rejection over a prior art document not in the English language] by
a) obtaining a translation into English of Japanese Patent Document 6-40505;
b) reevaluating the subject rejection of claim 22 in light of the translation; and
c) issuing a supplemental examiner's answer, with a copy of the translation appended, stating whether the rejection is maintained or withdrawn, and explaining the translation, if maintained, with reference to the translation”.
- The Examiner responded by mailing to Applicants a communication containing a copy of the Japanese document (in Japanese) with its English abstract and a statement that the rejection was not changed.

As Applicants have received no new information, we have no further arguments. However, if the Appeal Board's instructions were meant to require a translation of the complete Japanese document, Applicants note that they have neither received nor had a chance to respond to such a translation.

Sincerely,



Betty Formby

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